

MISTAKEN FOR FOOTPAD; FATALLY SHOT

**Exclusive
Associated
Press Service**

Oakland Tribune.

LAST Edition

VOL. LXXIII. WEATHER.

Fair and warm this afternoon and to-night fair and for so warm Tuesday

OAKLAND, CALIFORNIA, MONDAY EVENING, MAY 16, 1910.

16 PAGES

NO. 85

DR. HYDE

KERBY OUSTED FOR LETTER IN GLAVIS CASE	YOUTH IS SHOT AS THUG BY PEDESTRIAN IN STREET
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**Ballinger Issues Stinging Re-
buke to Stenographer Who
"Misstated Facts."**

**Leslie Herbert Taken to Hos-
pital With Bullet Through
His Abdomen.**

**DISMISSED FOR GOOD
OF SERVICE. HE SAYS**

Branded Traitor and Called Un- worthy and Unsafe in Sec- retary's Statement.

WASHINGTON, May 16—
Frederick M. Kerby, the stenographer in the office of the Secretary of the Interior, who on Saturday issued a statement regarding the Lawler memorandum on the Glavis charges to the President, was discharged from the Government service by
Test. He died 19 years old, living at no Collier Royal Park in East Okl. He is living in the Pecking Hill section of Tulsa where he has his store. He died in 1916 at the age of 19. Last Wednesday and the day before, forth after and this morning. The test he left his parents in 1913. He is 19 years old. I think he is in the trunk of the car in the city of Tulsa in an investment. Captain of the

from the Government service by
Secretary Ballinger today.

May 16 1916
Sir You are hereby discharged from the public service because you are unworthy to remain in it
In divulging information obtained by you in the confident at relation of stenographer to the Secretary of the Interior in communicating that information to the e you are bound to know are wrongfully seeking to bring reproach upon the administration and to injur me and in deliberately misstating material facts as to which you do treacherously communicate you show that you are unworthy and unsafe
The fact that your treachery is futile cannot mitigate the character of your offense For the good of the

of your service for the good of the service, you are hereby dismissed
Respectfully
R A BALLINGER
Secretary
"Mr. Frederick M. Kirby Wash-
ington D. C."

NOT A SURPRISE

Barry at the start was not taken by surprise. He does what is right, he is not hindered. I think he is secretary without his name on it. As to the others, we can't bring a bigger argument in favor of the WPA. I think the just and the people for the most part are related to the just and the right. I feel that the just and the right in the first place are the people. The WPA has been in existence for 14 years and it has not been a surprise to me.

IN OAKLAND ALL EVENING

According to the statement which is coming out here, it is the campaign for the 1936 election of the Mayor of Oakland from the民主党 at the WPA Club. I have not let it out since it return to the house. At 12:30 two weeks ago, I voted in the民主党 election. I have been trying to research it. The TAN in the news is option 1.

(Continued on Page 3.)

ABBOTT TAKES STAND IN FLANNERY'S TRIAL

Fake Poolroom Operator, Who Confessed to Grand Jury, Is Chief Witness for the Prosecution

(Continued on Page 3)

FREE

TICKETS Now Ready AT ALL TRIBUNE OFFICES

TRIBUNE DAY TOMORROW

IDORA PARK

:: Women in the News Today ::

WOMEN DELEGATES SCORE VICTORY OVER SMOKERS AT CHICAGO CONVENTION

Users of Weed Must Indulge Outside of Meeting Hall; Mrs. Russell Sage Is Accorded New Honors

CHICAGO, May 16.—Twelve women delegates to the National Congress of the Socialist party, now in session here, won a victory in the first clash which came before that body yesterday.

The women scored decisively when, in spite of opposition from part of the masculine element headed by Alderman Victor L. Berger, of Milwaukee, they succeeded in placing a ban on smoking during sessions of the congress.

Mrs. E. D. Corey, a delegate from the State of Washington, started the fight on tobacco. At the morning session she made a request that there be no smoking, but her wishes were disregarded, and in the afternoon she moved that indulgence in the weed be strictly prohibited.

Mr. Berger said he wanted to be able to smoke, and suggested that on the principle of equal rights the women might also have the privilege of indulging.

On a vote the anti-tobacco rule was put into effect.

Mrs. Sage Accorded New Honor.

CINCINNATI, May 16.—Mrs. Russel Sage of New York City was yesterday added to honorary membership in the Pioneer Workers of the General Federation of Women's clubs. This honor has hitherto held by but three women, all of them recognized the world over for their work in behalf of women. Mrs. Charlotte R. Wilbur of New York, one of the first women of this country to organize a woman's club, which was the Sorosis club, and the oldest member of the general federation, was the first of these; Mrs. Julia Ward Howe of Boston, distinguished for her work in letters in women's affairs, was the second chosen. Mrs. Ella Ditz Glynne of London, England, was the third. All of these were named at the organization of Pioneer Workers at their meeting in Boston. It has been made a rule to have but three honorary members, but the women of the Pioneer Workers disregarded former rules and entered Mrs. Sage as a member.

The Pioneer Workers was organized from those women who helped to form the General Federation and has long been considered as one of the exclusive branches of the general b-y. At the session these women were named as the officers for the next two years: Mrs. William Tod Hulahum of New York, president; Mrs. J. P. Mumford of Philadelphia, first vice-president; Mrs. Clara B. Buchwalter of Springfield, Ohio, second vice-president; Mrs. Emma A. Fox of Detroit, recording secretary; Margaret Evans of Northfield, Minnesota, corresponding secretary; Mrs. C. P. Barnes of Louisville, Kentucky, treasurer; Mrs. Sarah B. Becker of Denver, Colorado, auditor.

The following compose the membership committee: Julia Holmes Smith of Chicago, Miss Mary B. Temple of Knoxville, Tennessee, and Mrs. Lillian Streeter of Concord, New Hampshire.

Woman Answers Labor Question.

ST. LOUIS, May 16.—A universal, co-operative trust, with every laboring man owning one share of stock and controlling the natural resources of the country was proposed as a solution of the present labor question by Mrs. Cora M. Harvey of Clinton, Oklahoma, secretary of the National Brotherhood Welfare Association, at a meeting here yesterday.

"Trusts are mighty good things," she said, "for the man who is in them. Why not form one in which each of us can hold a share. By controlling them, the land, machinery and tools of production, we can solve the problem of which is the best way in which to do the work of the world and thus obtain a proper distribution of wealth."

Find Body of Missing Woman.

WEAVERVILLE, May 16.—Stockmen riding the range at the base of Lake Mountain, near Hettenpom, in the southern part of the county, yesterday found the body of Josephine Simonin, who left home January 15 in a snow storm. She was on her horse, and went to hunt a mule. Miss Simonin was never seen alive again. Hunting parties scoured the country in vain, but could not find her, though her horse was discovered a month later in a field in the Armstrong place. Stockmen found the body yesterday at the base of a tree. It had not been disturbed. She had doubtless perished from exposure in the snow storm. Miss Simonin was a daughter of James Simonin, a pioneer.

She Never Saw President.

WASHINGTON, May 16.—A though Mrs. Eliza Simpson has spent the 65 years of her life in Alexandria, West Virginia, only eight miles from the national capital, yesterday she saw for the first time a President of the United States. Seventeen have sat in the White house since she was born. Furthermore, Mrs. Simpson never used a telephone until yesterday and has never been to a theater or circus. She is going to have the novel experience today of enjoying both of the latter forms of amusement.

High-Jumping Woman Has Record.

QUINCY, Mass., May 16.—The world's high jump record for women is claimed for Miss Rachel Hardwick of this city who cleared four feet six inches in competition Saturday.

This exceeds by an inch and a half the record established last week by Miss Theodora Wheeler of Fairfield, Connecticut, a student at Vassar.

Foreigners Warned Of Chinese Attack

John Schaetz Confesses He Was the Kraft Thug

Second Uprising of the Blood-Thirsty Natives Feared at Changsha.

WASHINGTON, May 16.—Another uprising at Changsha, China, is feared.

The commander of the United States gunboat *Helen* has "redeemed" the State Department from the fear that the conditions at Changsha were most serious, and that all foreigners were recalled officially on the tenth instant to seek refuge on the ships that were available.

After maintaining innocence, Schaetz pleaded guilty to attempted robbery.

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WASHINGTON, May 16.—The threatened Indian uprising in New Mexico is over and all danger is past.

A report from Superintendent Deane to the commissioner of Indian affairs yesterday says the Taos Pueblo Indians were well within their rights in cutting the fences of settlers, for the fences encroached on Indian lands.

The courts of the territory refused to prosecute the red men. The militia went to the scene of the threatened uprising and turned back before traveling half the distance from Santa Fe.

Threatened Uprising of Indians Averted

WASHINGTON, May 16.—The threatened Indian uprising in New Mexico is over and all danger is past.

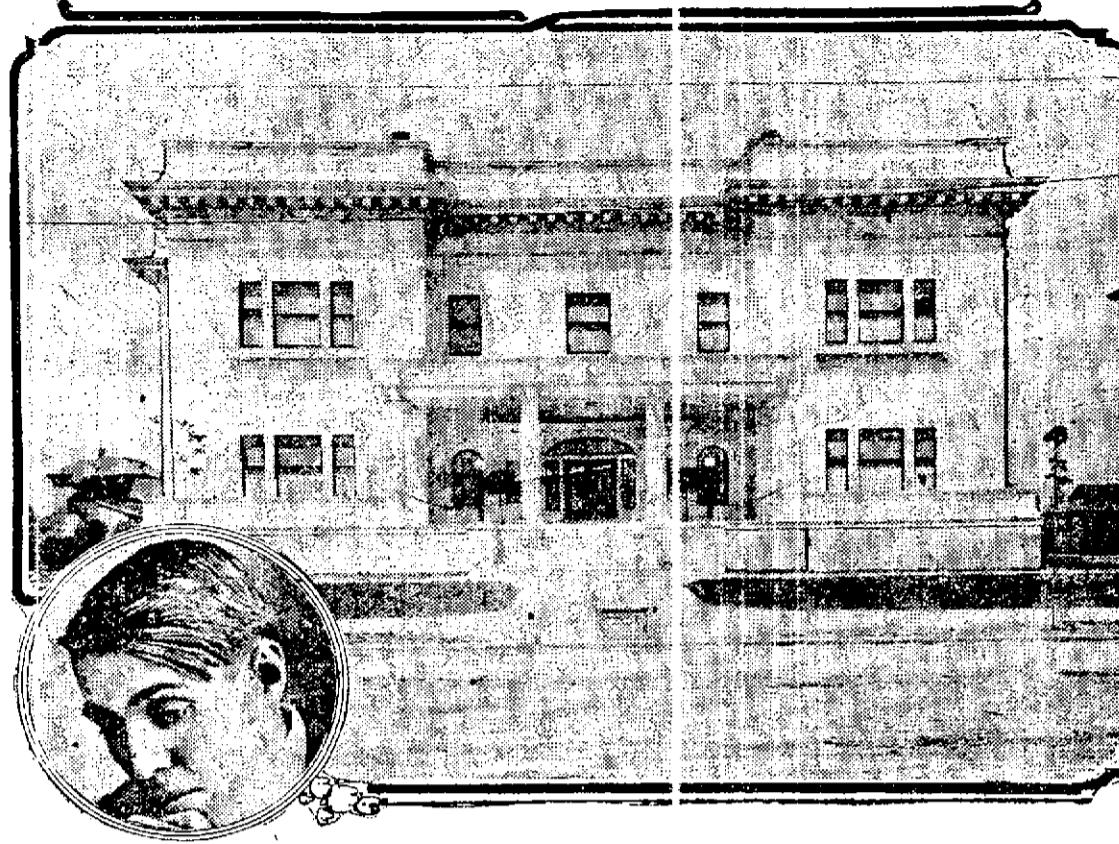
A physician who made a specialty of stomach troubles, particularly dyspepsia, tablets leading us to believe them to be the greatest remedy known for the relief of acute indigestion and chronic dyspepsia. Their ingredients are smoothing and healing, and are often used in the treatment of the stomach. They are rich in peptone, one of the greatest digestive aids known to medicine. The relief they afford is almost神奇的. They are easily digested, and regularly for a short time bring about a cessation of the pains caused by stomach disorders.

These tablets are to be had in three sizes, prices 20c, 40c, and 60c. They can obtain them only at our store—the Drug Store. The Owl Drug Co., Inc., 16th and Washington, 13th and Broadway, 15th and San Pablo.

Morse Is Denied Writ by U. S. Supreme Court

WASHINGTON, May 16.—Charles W. Morse was today denied the right of filing an application for a writ of habeas corpus by the Supreme Court of the United States.

New Alameda Elks' Home Dedicated; 2000 Inspect Magnificent Building



New home of Alameda Lodge of Elks and Harold Ward, Grand Exalted Ruler.

AT-ALMEDA, May 16.—Alameda's finest fraternal building, and what is said by experts to be one of the best laid out and best equipped lodge clubhouses in the United States, the new home of the Elks, was dedicated yesterday afternoon. After the ceremony the members were permitted to inspect the elegant and richly furnished clubhouse. It is estimated that more than 2000 persons availed themselves of the privilege, and hundreds of those who went through the new home of the Elks of Alameda were from the ranks of the Elks of the country, received by the officers and members of Alameda Lodge and shown every courtesy and hospitality, courtesy and hospitality being innate in all good Elks.

James M. Shantz of this city, past district grand exalted ruler and a past exalted ruler of Oakland Lodge of Elks, was in charge of the dedication exercises. Asking him who was the following special dedication, Dr. F. J. S. Connor, of San Francisco Lodge; grand exalted loyal knight, Louis Cunningham of San Jose Lodge; grand esteemed lecturing knight, T. C. Denny of Petaluma Lodge; grand exalted Benjamin Raymond of San Jose Lodge; grand treasurer James K. Coffey of Berkeley Lodge; general manager, A. E. Koop of San Mateo Lodge; grand inner guard, Daniel Lafferty of Petaluma Lodge.

The dedication was delivered by Superior Judge Thomas F. Lonigan of Marin county. Brief addresses were made by members of various lodges represented at the exercises. Judge Henry A. Delyan, a past grand exalted ruler of the Elks and past president of the city of Alameda, on behalf of Oakland Lodge presented Alameda Lodge with a large 4-diamond lamp. San Jose Lodge presented another lamp. San Francisco Lodge presented a punch bowl set and San Mateo Lodge a bronze statue.

Elks from many lodges, including New York, New Jersey, and elsewhere in the country, were present. Following the dedication of the exercises of dedication the elegant clubhouse was thrown open to visitors and almost 2000 persons availed themselves of the opportunity to inspect the beauties of the structure, which is said by experts to be one of the best arranged and best equipped fraternities buildings in the United States.

BUILDING COST \$55,000.

The Elks' new home is located in

San Clara avenue, west of the city hall.

As it stands, completed and furnished, it represents an outlay of nearly \$55,000.

The building was designed by

Harold C. Ward, architect of Alameda Lodge.

The experienced and watchful eye of

Charles S. Neal, a member of Alameda Lodge and the president of the Alameda Elks Hall Association, corporation organized for the purpose of erecting the building, was

The furniture fittings, carpets and rugs

blended harmoniously, giving to the interior of the clubhouse an atmosphere of elegant comfort. The building contains two stories and a basement. In the latter is a kitchen, a room for the financial affairs. On the first floor is a spacious reception hall, billiard room, card rooms, cloak and hat rooms and a smoking room.

The ventilating plant is a feature of the building, and it is necessary the air in the lobby hall can be changed twenty times an hour.

The officers of the Alameda Elks' Hall Association are: Charles S. Neal, president; A. O. Gott, vice-president; L. Weintraub, secretary; Dr. W. O. Smith, W. G. Taylor, W. W. Cooley, G. E. Goggin, Thomas H. Haskins, directors. The grand exalted ruler of Alameda Lodge is Harold C. Ward.

Last night the Elks held a banquet in the restaurant of the Alameda Lodge, which was invited to the restaurant.

Now has a membership that is rapidly approaching the 500 mark.

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President Answers Kerby, Explaining About Letter



PRESIDENT TAFT

WASHINGTON May 16.—The following is the statement issued in a letter from President Taft in regard to the charges made by F. M. Kerby, stenographer.

THE WHITE HOUSE, WASHINGTON May 15 1910—

My Dear Senator Nelson—In the hearing before the committee to investigate the Interior Department and forestry service, reference has been made to my decision upon the complaint and charge of L. R. Glavis filed with me on the 10th of August last against Secretary Ballinger and certain other officials of the Interior Department. The majority of the committee has decided that my action in this regard was not within the jurisdiction of the committee to have taken. In spite of this ruling references to the matter have crept into the record. For this reason I deem it proper to write you in full state with such accuracy as my memory permits what the facts are.

Glavis' statement and charges were left with me by him on August 18, 1909, turned them over to the Attorney General who happened to be in the neighborhood and made notes upon his reading. We both had personal knowledge in respect to Secretary Ballinger's attitude towards the Alaska coal claims which was the chief subject of investigation and complaint for Mr. Ballinger had very early in his term consulted us both in regard to them.

Full Discussion.

In two or three days after the filing of the charges in a meeting at which the Secretary of the Treasury, the Attorney General and the Secretary of the Navy were present a full discussion of the Glavis statement was had. It resulted in a general conclusion that jealousy between the bureaus of the Interior Department and the Forest Service probably explained the attitude of the Interior Department officials but the intimations of bad faith by Glavis against Mr. Ballinger and the others required that the statement be submitted to them for answer. Accordingly copies of the statement were sent to Secretary Ballinger and to Assistant Secretary Glavis to Commissioner Dennett and to the Office of F. B. I. State Security.

Mr. Ballinger was at Seattle but upon receipt of the charge he came to Washington to receive an answer. On Monday September 1st Mr. Ballinger reached here accompanied by Mr. Fox, the assistant attorney general of the Department of Justice, as stated to the Interior Department. Mr. Ballinger sent to my house on that day the answer to the various persons concerned together with a voluminous record of exhibits. I had a conference with him the evening of the day he came September 1st and then the following evening September 2d I talked over the charges with Mr. Ballinger the first evening and asked such questions as suggested themselves without intimating my conclusion and said that I would examine the answers in the record and would see him the next day. I sat up until 3 o'clock that night reading the answers and exhibits as far as my knowledge I was advised of the contents of the entire record and had made up my mind that there was nothing in the charges upon which Mr. Ballinger or the others accused could be found guilty of either incompetency, inefficiency or loyalty to the interest of the government or dishonesty.

Requested Opinion.

In the discussion of the second evening of the 1st I was requested by my suggestion to consider the evidence at some length. I told Mr. Lawler that I was very anxious to write a full statement to the record set out the reasons for my decision but that the record in a nature of a long statement occupying two months was in itself so full that day that I had none in or seven set speeches to do with the beginning of his journey and that I could not give the time for the preparation of such a detailed statement and opinion as I would be inclined in the matter. I therefore requested Mr. Lawler to draft a resolution if no one were the President.

During the eighth, ninth and tenth I gave such consideration to the Glavis record as was consistent with previous engagements but paid no attention to the speeches. On the ninth I telephoned the Attorney General to come to my office in order that I might consult him in respect to the case. He arrived there Saturday afternoon September 10th and pursuant to an appointment made he telephoned to come to my house early in Sunday morning September 11th. He then delivered to me the draft opinion prepared by Mr. Lawler and said that he had had no opportunity on coming from New York to read the answer to Mr. Ballinger and other. I then said to him that I had made up my mind as to my conclusion and had drafted part of my opinion but that I wished him to examine the full record and bring me his conclusions before I stated mine. I took to the record twice.

Examined Draft.

During the day I examined the draft opinion of Mr. Lawler but its thirty pages did not set out his case in the way in which I wished it set out. It contained references to the evidences which were useful but it was not of Mr. P. C. of Mr. Glavis. Mr. Glavis I did not bring to the record. I only used a few paragraphs in it concerning his general statements.

The Attorney General returned in the evening with his draft of the opinion in which he had set out his case in the way in which I wished it set out. I then referred him to the evidences which were useful in the opinion of Mr. P. C. of Mr. Glavis. Mr. Glavis I did not bring to the record. I only used a few paragraphs in it concerning his general statements.

Antedated Report.

On Sunday in which I had set out his case in the way in which I wished it set out I reported to me the evidences which were useful in the opinion of Mr. P. C. of Mr. Glavis. Mr. Glavis I did not bring to the record. I only used a few paragraphs in it concerning his general statements.

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Scarcely yours (Signed) WILLIAM H. TAFT

HON. KNUFF NELSON

Chairman Committee to Investigate the Interior Department and Forest Service United States Senate

HOTEL BURNED AND HUNDRED FLEE FOR LIVES

Early Morning Blaze Destroys St. Regis and Wind Fans Flames.

GUESTS MAKE ESCAPE GARBED IN NIGHTROBES

Blind Woman Tossed From Window Into Big Net and Saved.

One hundred persons were borne to safety through blinding clouds of smoke and flames when a fire which had its origin in the laundry at the bottom of the three story house gutted the St. Regis Hotel Twenty-fifth and Grove streets shortly after midnight. Sixty women dragged from their beds by firemen crawled from the blinding structure down ladders and fire escapes and in their nightrobes. One of the most terrific wind storms in years which raged throughout the night spread the flames rapidly and great reserves were called out by the central fire station. After a time it became impossible to save the burning building and after the inmates were compelled to safety the firemen turned their attention to the nearby buildings which were mentioned by almost a miracle no one was seriously injured although several of the rooms in which stopped to collect money, jewels and clothing narrowly escaped suffocation and instant death. Death of the falling timbers.

The fire began at approximately a twenty-five thousand dollar loss. The damage was taken in charge of Mr. Florence Lammon, proprietor, who threw from the second story window into a net held by a score of willing hands.

The sightless young woman was

held by her mother who throwing a blanket over her body and her half

dragged half carried her to the window where she was taken in charge by volunteers who were aware of her helpless condition rushed to her aid.

Miss Lammon escaped later by

means of a fire escape after doing all in her power to a certain that the

rescue of the lodgers were safe.

DISCOVERED BY POLICEMAN

A police which broke out in the laundry of the hotel was discovered by Policeman Conley as he was making his rounds. Before he could wake the sleeping occupants and turn in alarm the blaze had gained great headway and reserve forces were called out by the central station as he looked out by the doorway in which he was rented as a housekeeping apartment. The laundry was the scene of the fire.

Among those who had narrow escapes from the burning structure was Miss Edith Barry who jumped from a fire escape to the sidewalk striking her ankle slightly and brains in her hand which was burned some distance while endeavoring to flight to safety.

CRASHED TO SAFETY

Mr. and Mrs. R. D. Petron who were asleep in a back apartment on the second floor were cut off by a cloud of smoke and were forced to crawl to safety on their hands and knees directing their course toward a back entrance which was broken in.

It and Mrs. Luckey were almost

asleep when they were taken in the fire in which a lad

had dropped against his bed.

Mr. and Mrs. David Brown failed to awaken until the last moment.

When in bed they likewise

escaped by way of the firemen's

ladder. Mrs. Mabel Howell and Mrs. D. Bryant were dragged to safety from a penthouse apartment on the third floor.

It was feared that unoccupied occupants had been left to die in the house and firemen at the scene of the fire returned again and again to the scene of the flames.

Mr. Elliott Whitehead, foreman of Fruek's

fruek was lightly cut about the head

and face by falling glass while trying to get to the root of the burning building. His clothes were dressed in the fireman's uniform.

The hotel St. Regis was a three

story building built three years ago.

The upper floor was occupied by small

shops of which were severely dam-

aged.

Mrs. Hanchett Dies

at End of Busy Life

SAN FRANCISCO May 16.—Mrs. Margaret Hanchett, widow and one of the leading women who have helped to build up San Francisco, died yesterday.

She died at her home in the home

of her son, J. T. Hanchett, of 348 Forest

Ridge, Belvedere, Marin County.

She was the wife of J. T. Hanchett

and had three daughters and one son.

Her son, J. T. Hanchett, is the

son of the late George Crocker, a

man of high social standing in San

Francisco.

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Folly of Taking Criminal Chances.

A horrible accident resulted in San Francisco yesterday from taking a chance—taking a foolish, unnecessary chance. A teamster driving a loaded wagon on which were seated several persons undertook to cross a car track in front of an approaching car. He took a chance. He thought he could get across before the car came.

The motorman saw him plainly enough, but calculated that the crossing would be made without interruption, hence he did not slow down. He took a chance. He depended upon circumstances over which he had no control, risked a tragedy by depending upon a contingency.

But the wagon wheels skidded when they struck the car track which caused a temporary stoppage of the team. The slight delay consumed the small margin of time allowed for the crossing, and the car came in fateful collision with the wagon. The driver of the vehicle was killed and a woman and child wounded.

The whole thing was the result of a wretched miscalculation—taking which unnecessary chances to save a few seconds time. Had the driver of the team waited till the car passed he would have been delayed two or three minutes at the most, but he would have crossed in perfect safety. Merely to avoid the trouble of slowing down and losing perhaps thirty seconds time the motorman risked the loss of several lives—and lost. He has caused financial loss, litigation and worry to his employers and woe and money loss to others. He gambled with fate, staking lives and valuable property against the chance of saving a few seconds time and a trifling personal effort. The driver staked his life, his team and his precious freight against two or three minutes' time; on other occasions he would regard as of no consequence.

Every moment such foolish chances are taken. One can see them taken a hundred times a day in Oakland. An auto driver takes the chance that a pedestrian will get out of the way in time, but occasionally there is a miscalculation and a tragedy. The pedestrian may be deaf or a cripple and fail to get out of the way. Then follows the vain regret and the remorseful reflection that only a very little care would have prevented the catastrophe. But being sorry does not revive the dead or heal broken bones. It is the duty of society to stop the taking of such chances. Men who gamble with their own lives and the lives of others should be compelled to pay a forfeit to the law when they lose. Recklessness of that character is criminal and should be so treated.

Objections to the Pickett Bill.

One of the chief objections made to the Pickett bill is that it confers too much power on the Secretary of the Interior; that it gives him authority to nullify acts of Congress and substitute his discretion, arbitrarily and without notice, for legal enactment.

This touches a vital point in the controversy which has been raging around Secretary Ballinger. Mr. Garfield, Mr. Ballinger's predecessor, had withdrawn lands from entry which had been thrown open to entry by act of Congress. Ballinger could find no justification for these arbitrary withdrawals, and did not hesitate to say so. He declined to recognize such withdrawals as binding or permanent or as a bar to titles accruing under act of Congress till Congress had expressly vested the Secretary of the Interior with a legal warrant for withdrawing public lands from sale or entry. He therefore asked Congress to grant him the power to exercise a discretion which Secretary Garfield had exercised without statutory authority.

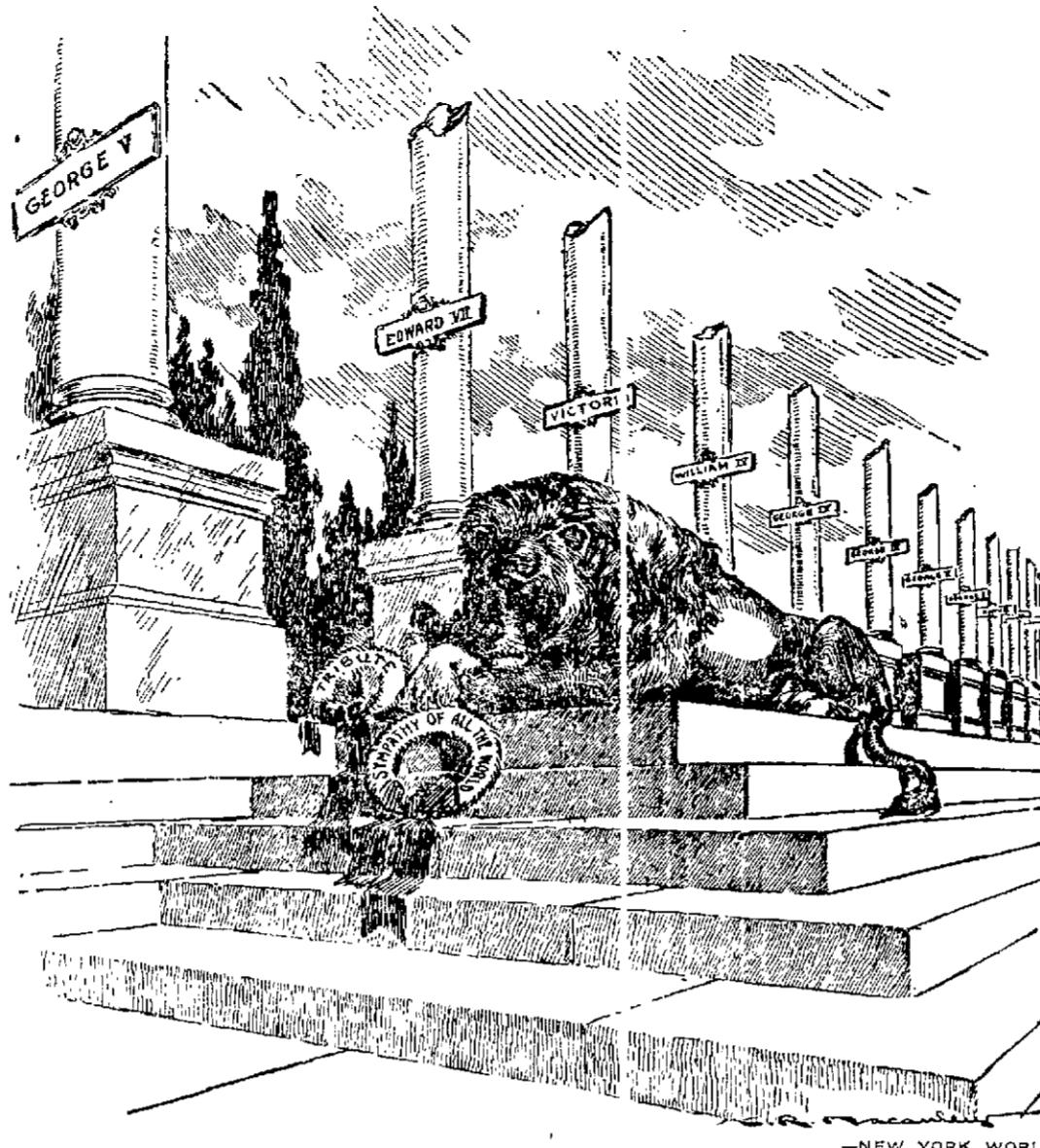
It is now urged that it is unwise to clothe a cabinet officer with such authority. It is contended that it is a virtual authorization for him to set aside or abrogate acts of Congress relating to the disposal of public lands when he sees fit to do so. As the Pickett bill is retroactive—that is, intended to cure the illegality of withdrawals made prior to its passing—it is claimed that it disturbs titles already accrued or it proceeds of accreting, and puts in the hands of the Secretary of the Interior the power of virtual confiscation. Unless the bill is modified in vital particulars that will be its effect in many instances, since it runs to go behind various Congressional enactments and all proceedings had under and by virtue of them. It puts in public lands partially acquired but not confirmed by patent to valuable oil fields in California and other States and threatens the total loss of large sums expended for development work. This money was expended in accordance with the conditions prescribed by the laws of the United States. It was invested in good faith on the assurance conveyed by acts of Congress. It sweeps away the oil-rich titles, if the capital invested thereunder will not be less than half a billion dollars in the thousands, and will be an act of high faith that it will be difficult to excuse.

But if the present Secretary of the Interior is to be denied the legal authority to do what he proposes, he is to be denied it entirely. Is a cabinet officer justified in acting without authority? Is he to be denied legal authority? However, there are people who contend that Congress withheld a grant of authority to the Secretary since he could not lawfully do the thing on the theory that he is clothed with no power to do it when the law does not expressly prohibit it. That is the theory of Clifford Pickett, who spent large amounts of time and effort in the struggle for the maintenance of the Forest Service. He is not concerned for the maintenance of the Forest Service, but for the creation of national forest reserves to pay young men for cutting the logs. He paid these men salaries as forest rangers when they were, in fact, being sent to college to learn the art of cutting trees of forestry. One of the differences between Ballinger and Pickett was that Ballinger put a summary end to this illegal experiment.

Of course Dr. M. L. Kelly is a liar, but who paid him to make the statement for the San Joaquin impugning the integrity of President Taft?

The Santa Maria Chapter pleads for a division of Santa Barbara county, saying the county is too long and the seat of government too inconvenient to act for a large or portion of the inhabitants. The Santa Maria valley comprises the largest productive area in the county and is the most progressive industrially, but the chief town in the valley is sixty miles from the county seat. It is less than half that distance to San Luis Obispo. Hence the Santa Maria folks desire to create a new county, and if they can't get that are talking of annexing to San Luis. There is much justice in their complaint.

The cheerful news comes from New York that Francis J. Heney has decided to abandon California to her fate and locate his future activities in Georgia. This decision is a mark of ingenuity, for Heney's professional career is certainly ended in this State. Heney is also reported to have said that he regarded his defeat in San Francisco as an expression of disapproval of his work there. Right again he is. His work was bad and it finally became patrid. It revolted the public stomach, and in consequence Heney was spewed out.

FROM GENERATION TO GENERATION**Immigration Tokens Country's Prosperity**

Coincident with the wave of American emigrants from the undustrious and the tourist travel to Europe comes to see that none of the latter are at the wave of European emigrant travel toward America. If we have any doubts as to the essential prosperity

NOT SO BADLY NEEDED.

of the country after considering the vigorous spring rush of American visitors and American dollars abroad, we have only to consider the tremendous foreign influx now under way at our Atlantic ports. The latter is probably the more trustworthy barometer of the two.—Chicago Record-Herald.

PREFERS GROWTH FROM WITHIN.

Our country will continue to grow, of course, but there are those who would prefer to see the growth from within rather than from without and who would regard a decrease of unemployment among those already here and an increase in the birth rate instead of the decline which is marked in many places, with much more satisfaction than the importation of a million of undesired and undesirable aliens every year.—New York Tribune.

UP TO OFFICIALS.

Spring immigration to the United States has started in with a rush, and each week now will see thousands arrive on our shores. It is up to the immigration officers at every port to be on the watch to separate the

MEANS INCREASED IN INDUSTRY.

The tide of immigration is steadily swelling. More than six thousand persons bound for the United States left Southampton, England, as

steerage passengers within two weeks, breaking all records in that respect.

And the departures from other ports are becoming hardly less numerous.

This is a sure indication of increased industrial activity here, and an assurance that there will be a greater supply of labor available.—Troy Times.

MUST BAR UNDESIRABLES.

Shall the open door in America continue to swing wide for the class of immigrants now flocking here in unprecedented numbers? Obviously, nothing ought to be more zealously guarded against than abuse of the privilege of asylum extended to the "persecuted and oppressed" of all lands. But that the laws enacted for the purpose of keeping the undesirable out are inadequate is patent to all who interest themselves in the matter.—Washington Post.

The Tompkins pond, which for some time has been an eyesore, was the purpose of contracting and building up by the fire department yesterday.

Josie Stanford died at 3:30 o'clock and strawberries are in their prime.

The wedding of Walter Burdett attended by Dr. L. S. Richardson.

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JOHNSON DISPLAYS FINE FORM IN TRAINING

Final Fortnight of the Local Racing Season Commences This Week

BLACK CHAMP SHAKES UP HIS SPARRING PARTNER

Gives Them a Strenuous Time With Gloves and Trains Hard; Another Conference on Referee Today

By EDDIE SMITH.

ACK JOHNSON, champion heavyweight pugilist of the world, did two things yesterday afternoon at the Seal Rock house. First of all he proved beyond any shadow of a doubt that he is a physical wonder, and that his chances for condition for the Jeffries-Johnson contest are such that even the most skeptical fans would be favorably impressed. Yesterday afternoon was the first workout day in the gymnasium for the colored giant, and to say the least it was a most impressive one.

Johnson sparred eight rounds in all, not the ordinary two minute or minute and a half rounds of the amateur fighter in training, but the real regulation three minute rounds with one minute rest. As sparring partners he used Kid Cotton, Marty Cutler and Jack Geyer. Each of these men were importuned here by Johnson and all are anything but midgets, each weighing almost two hundred pounds. Johnson in his boxing stepped in and out of the reach of these men with the greatest of ease, and his golden smile proved that he was at no time worried even though the heavyweights at times tore at him with great vim and persistence.

For the first time in his training here he used his sparring partners roughly. It has been a custom with Johnson to play with the men that he boxes with, and never at any time hurt them. Yesterday Johnson seemed impressed with the idea that he must show the people that he is not only a wonderfully clever defensive boxer, but also something of a fighter.

TEASED OPPONENTS.

At times during the eight rounds that he boxed he would take a stand and with well-directed punches drive the head of his sparring partner from one side of his shoulders to the other. At these times Johnson would smile and laugh and tease the man he was boxing with as a tiger would toy with a cub. During the eight rounds that he boxed he never once drew a long breath, although at the end of the boxing he was covered with perspiration that proved he had put in his best work.

Johnson looked like a fat cat above the stomach, but when this was called to his notice he proudly proclaimed that he was glad that he had some superfluous flesh to work off during the five or six weeks of hard training that he expects to go through. Johnson certainly comes up bigger and better than he ever did before, and his showy work in the gymnasium will no doubt bring him many backers. When he enters the ring to compete with the greatest of all fighters, Jim Jeffries.

Jack said after the workout yesterday that he would not do daily work in the gymnasium, but would stick to his road work from now to the day of the contest. Johnson and his trainer seem more fearful of the big fellow overrunning than they are of his resilience in condition. He has planned to be training or working before a large crowd and the constant attendance that will greet him at the beach tavern is expected to spur him on so that in the gymnasium he will do as much work in one day as the average heavyweight would do in two.

REFEREE QUESTION AGAIN.

This afternoon at 2 o'clock Sam Berger and Jack Johnson will come together to try and agree on a referee. It was at first expected that this meeting would take place downtown, but Johnson advanced the argument yesterday that he did not wish to have his training and that he could not see any reason why Berger would refuse to come to the training camp. Berger is the first referee but finally gave in and the meeting will take place there. One thing was brought out during the objections of Berger, which was that Jack Johnson is his own manager when it comes right down to doing the business. George Little evidently being nothing but an advisor. This fact was brought out by Berger and to Johnson that he might send his manager down town and that he could stay at the training camp.

Johnson then replied: "I shall do my own business and it will be whom you must please with the selection of a referee. I demand upon no man to do me

JACK JOHNSON SQUARING OFF.

business. I have been a good many years in this game, and I have come from the top, and if I don't know that I'm out of it then nobody does." It is expected by the wise fans of pugilists that the two will fall in agreement on a referee, and that this will eventually have to select the third man in the ring for the Fourth of July contest.

JEFF REPORTED ANGRY.

Although Jim Jeffries showed fairly good condition in his training yesterday, a persistent rumour had it that the streets of San Francisco to the effect that unless Jack Johnson agreed to some terms that the two that he had arranged with the referee would come together and all the match off. It is said that the trainers of Jeffries, although elated over the chances of his condition, are not as yet in a position to say that things are going to suit the big fellow.

Jeffries has decided right along that he wanted to fight Jack Johnson, and that he has no objection to the colored man training him. He has not, however, shown him the list of Johnson's in fact ways, although it must be admitted that his name is Jeffries. Jeffries still, however, has been trying to get a large boxer's end from me for a long time, and I have refused repeatedly to allow him to make any money by boxing. Jeffries is a clever fellow, and if he thinks he is going to get away with it, he is much inferior.

This snapshot from Jeffries has set his training and manager, Sam Berger, to passing and the tongues of the boxing press are ceaselessly wagging over the situation. The manager of Jim Jeffries finally refused to have anything to do with Jack Johnson.

Boycott Affecting Attendance at Games

WASHINGTON, May 16.—A boycott is cutting down to a slight extent the attendance upon the Washington-Cleveland series of ball games now being played here. About 200 men, it is said, members of the Negro ball unions, were turned back from the gate, but by pickets who had been established there to intercept any union man who might be on their way to see the game. The grievance consists of the alleged fact that the owners of the Cleveland team employed non-union labor in the construction of their new park in that city.

Youth Fatally Hurt by Batted Baseball

NEW YORK, May 16.—Another probably fatal injury has been placed against the record of baseball in this city this third season. Elmer Rich, a 16-year-old grammar school athlete, is doing with a fractured skull in the Swedish Hospital. While watching some companions at a game yesterday afternoon, he was struck on the head by a batted ball.

His condition means a cure or no hope, or refund every dollar you have paid for my services. My services cost you nothing, but you will be greatly compensated to me. My terms are reasonable and no more than you are willing to pay for benefits.

ENGLISH, GERMAN, ITALIAN, FRENCH AND SPANISH SPOKEN. You cannot call with me now. Chart. Many offices are open all day from 9 a. m. to 5 p. m. and 5 days from 9 to 1 only.

DR. PALMER & CO. 1015 BROADWAY S. W. Corner Eleventh St. Oakland, Cal.

JOHNSON ENGAGES HOTEL OWNER TO SUPERVISE TABLE

PITTSBURG, May 16.—Jack Johnson has sent to Pittsburgh for his old friend Frank Sutton, a colored hotel owner, to go to California and there take charge of all the colored dining-rooms that will be consumed by him until the time he steps into the ring July 4. Sutton expects to leave Pittsburgh tonight.

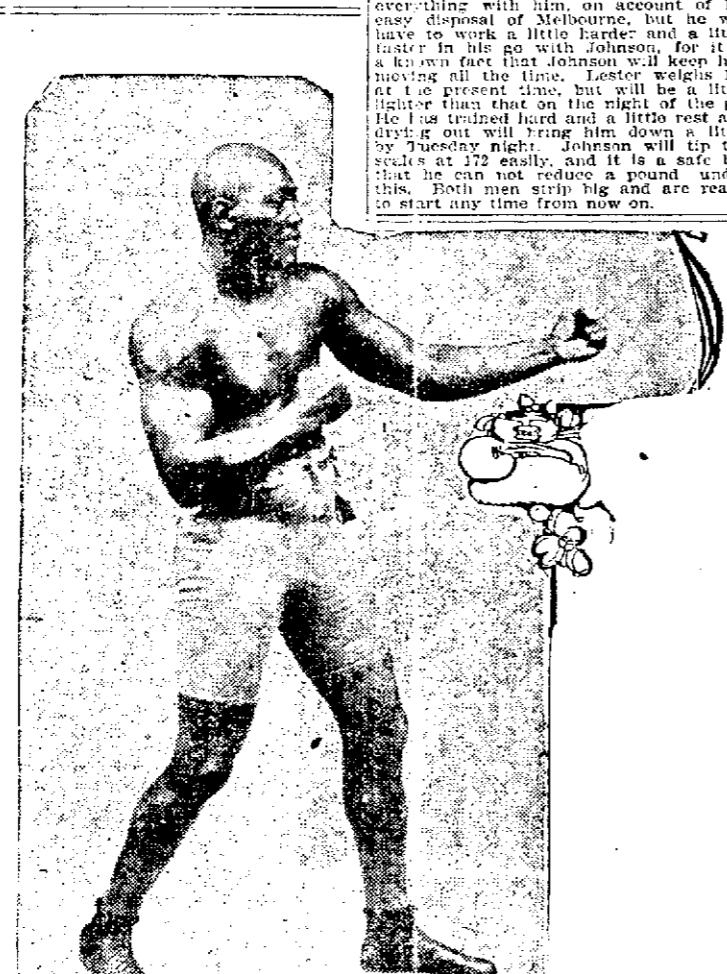
HUSKY HEAVIES TO SWAP SWATS AT RELIANCE GO

Lester and Johnson Promise to Furnish Exciting Bout Tomorrow Evening.

Lester, who fights Johnson at the Reliance Club tomorrow, is one of the colored regulars in the amateur ranks, and that is saying something. Last night he boxed Melbourne and put him away in two rounds. This month he will have a harder time, but he has a good chance to win.

Johnson is a little heavier than Lester, but what he has in heaviness over Lester, he lacks in cleverness. Johnson at this time was ready to teach the amateur and take a little rest at present, but before starting some one told him to stick to the amateur ranks a little longer and then if he still thought he was good enough to go on, he might practically tell the tale whether he is good enough for some of the big fellows in the "big brush."

Lester has had more of a long end of working with him on account of his early disposal of Melbourne, but he will have to work a little harder and a little faster in his go with Johnson, for it is a very good idea to keep him moving all the time. Lester weighs 188 at the present time, but will be a little lighter than that on the night that goes. Lester's strength is 100 pounds and 4500 will bring him down a little Tuesday night. Johnson will tip the scales at 175 easily, and it is a safe bet that he will be a little lighter under this. Both men strip big and are ready to start any time from now on.



LESTER, the heavyweight, who boxes at the Reliance Club Tuesday evening.



UGO ROTHSTEIN, running from the scratch mark, won the three-mile race for members of the Swedish Club, which is a branch of the Swedish Society, held at Shattuck Park yesterday. Lars Linn was second and Alf Nelsen arrived third. The winner's time was 20 minutes 20 seconds.

The handicap singles tournament at the Golden Gate Tennis Club was completed half way through the second round on the court at the Park yesterday. At the conclusion of the day's play, 16 men remained to compete. Those who reached the third round were J. A. Cole, J. E. Easton, W. V. Fife, F. F. Fife, A. M. Fife and R. E. Eakin. The match in the second round not played were Ross vs. Curley and F. Gherin vs. Bass. The tournament will be completed next Sunday.

Manager Shaw of the Kansas City team of the American Association yesterday unconditionally released Pitchers Patrick Flaherty and "Gus" Damer.

A racing large containing four men, members of the South End Yacht Club, while courting off Melges' what's in San Francisco shortly after noon yesterday struck choppy water and was capsized, drowning out the men. The life preserver was recovered.

The value of the boat was \$17,100. Vonderoff's Sea Sick finished in the Pigeon Rainbow.

At the Longchamps track yesterday W. K. Vanderbilt's Remousser finished second in the one mile race for 2-year-old colts.

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OAKS LOSE FINAL DOUBLE-HEADER TO THE SEALS

Invaders Are Ignominiously Defeated in Two Poorly-Played Games

MILLER'S TWIRLING FOOLS LOCALS DURING 2 GAMES

Morning Contest Played Before Record-Breaking Crowd Is Lost by Poor Showing in the Seventh

By FRANCK R. HAVENNER.

THE Oaks' wound up their series with the Seals by losing a double-header, but they got the majority of the games played during the series won. The last two games were very uneventful owing to the fact that Basco Miller, the oak slasher, twirled both of them and kept the Oak slingers under his thumb all day long.

Even in the face of Miller's good pitching, the Oaks should have won the morning game, for they had a lead in the first six innings and nothing but a combination of bad playing allowed the Seals to score all they did. They did not even score three runs, which sufficed to give them the victory. Lively pitched a good game for the Oaks--good enough for the ordinary game, but he was lamentably slow in getting to first base on hits down in that direction and his failure to beat a couple of San Francisco runners to the bag gave the Seals the lead. Andy Reynolds at his best, hooking a 10th steen in a shoulder-slitting bee, the boy fairly overwhelmed the visitors with his brilliant work in the box, blanking them on the first three batters. The Seals never did score as threat as once.

The Seals also pitched a better game, being as good as any team in the city, and unfortunately, too much so both of the wild pitches started earlier in the game, for runs came in the last minute of the time limit. The Angels dropped the 5 to 4 morning game to the Beavers on two errors, but the visitors did not score, and these errors were charged against Hughes. Said the young becker: "Being three runs in the game at three when the Beavers were stilling across the rubber with runs."

MORNING GAME.

RUNS AND HITS BY INNINGS.

	1	2	3	4	5	6	7	8	9
Los Angeles	1	0	0	2	0	1	0	0	5
Portland	0	1	0	0	0	0	0	0	4
San Francisco	0	0	0	0	0	0	0	0	1

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OIL PRODUCERS TO PROTEST PICKETT BILL

DIL MEN PROTEST NO BREAK COMING AGAINST PICKETT MEASURE

Sierra Madre Club Appeals to Congress to Defeat the Bill.

JUSTICE TO OPERATORS IS BROUGHT IN ISSUE

Proposed Legislation Tends to Foster Interest of Monopoly.

The members of the Sierra Madre Club formulated the following address to the weight of protest and opposition against the passage of the Pickett bill.

The Sierra Madre Club is a social organization of its kind in the United States and consisting of nearly two hundred and fifty of the leading oil and mineral operators of the state. It is most representative of the views of the delegates of oil operators now in the House of Representatives in their opposition to the so-called Pickett bill and other similar measures which seem to them to be the very existence of the great petroleum industry of the state.

The delegation which consists of eleven well known men given by the members of that club, is back in the United States with the full support of the 175,000 oil operators directly in the production of oil and by all those who realize the immense importance of this industry upon the commercial supremacy of the state.

AID TO MONOPOLY

We submit to you the evident fact that from the very nature of its organization the oil control is being conducted in the same way as coal or other mineral products. Through the oil fields of California the Southern Pacific Railroad owns every alternate mile of oil and gas in the United States, and it is evident that the corporation is a Governmental instrument in a corporation to do as it sees fit with the wells on its properties. It is the independent operators and oil entities in the oil belt who are the protectors of true conservation, but the less that can be done for the oil operators and other measures that are adopted, the less will be done for the people.

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AREA AFFECTED

The passage of the Pickett bill now has the effect of making the oil operators square in oil land in California or at 100,000,000 barrels. In addition to this it will mean it would be more difficult to sell oil now received in California. This income is estimated at \$100,000 per day. At the present time the oil wells of California are producing 243,000 barrels of oil per day.

Two Companies Drill In Devil's Den Field

COONTZ, May 16. Down in the Devil's Den field there are only two companies of oil in operation at present. The one is the Devil's Den Oil Company which has recovered its string which was cut down the hole when the cable broke and is now drilling in the sand carrying heavy oil. Manager W. E. Herter says that he will go deeper and expects to get another sand within 200 feet. If he will produce from the heavy oil as it is similar to that found in the Midway field the Petroleum Oil Company has about 300 feet of hole in well No. 1.

The Valley Oil Company is busily drilling out the cement in well No. 1. It is thought that the cement job was successful. It is time and before many days the well will be added to the list of producers.

OIL NOTES

LOS ANGELES, May 16. The Buil Oil Company is in the process of getting its equipment out of the way to the detriment of the first well which is being drilled in the oil field. The first well is about 1,000 feet deep. It is in the Westwood area of Los Angeles. The company has a 100 acre tract in the area.

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